

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care and Support (Charging and Assessment of Resources) Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 2014 No. 2672

## The Care and Support (Charging and Assessment of Resources) Regulations 2014

PROSPECTIVE

### PART 5

#### Treatment and calculation of capital

##### Notional capital

**22.—(1)** The adult is to be treated as possessing capital of which the adult has deprived themselves for the purpose of decreasing the amount that they may be liable to pay towards the cost of meeting their needs for care and support, or their needs for support, except—

- (a) where that capital is derived from a payment made in consequence of any personal injury and is placed on trust for the benefit of the adult;
- (b) to the extent that the capital which the adult is treated as possessing is reduced in accordance with regulation 23; or
- (c) any sum to which paragraph 44(1) or 45(a) of Schedule 10 to the Income Support Regulations (disregard of compensation for personal injuries which is administered by the Court)(1) refers.

(2) Subject to paragraph (3), the adult may be treated as possessing any payment of capital which would be treated as capital possessed by a claimant of income support under regulation 51(2) or (3) of the Income Support Regulations (notional capital)(2).

(3) For the purposes of paragraph (2), regulation 51(2)(c) of the Income Support Regulations applies as if for the reference to Schedule 10 to the Income Support Regulations there were substituted a reference to Schedule 2 to these Regulations.

(4) Where the adult is treated as possessing capital under paragraph (1) or (2), the provisions of this Part apply for the purposes of calculating its amount as if it were actual capital the adult does possess.

##### Commencement Information

**II** Reg. 22 in force at 1.4.2015 in accordance with reg. 1

- (1) Paragraphs 44 and 45 were inserted by S.I. 1994/2139. Paragraph 44 was substituted by S.I. 2006/2378. Paragraph 45 was amended by S.I. 1997/2197 and 2003/2279.
- (2) Relevant amending instruments are: S.I. 1991/1559, 1993/315, 1995/2303, 1997/65, 1998/663, 1998/1445, 1998/2117, 1999/2640, 2001/3767, 2002/841, 2003/455, 2005/574, 2005/2465, 2005/2878, 2006/588, 2007/719, 2007/1749, 2008/3157 and 2010/641.

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**Changes and effects yet to be applied to :**

- Regulations applied (with modifications) by [S.I. 2015/305 reg. 2\(3\)\(b\)13](#)
- reg. 22 coming into force by [S.I. 2014/2672 reg. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 1 para. 17A inserted by [S.I. 2017/555 reg. 2\(b\)](#)
- Sch. 2 para. 36 inserted by [S.I. 2018/687 reg. 2](#)
- Sch. 2 para. 37 inserted by [S.I. 2020/112 reg. 2](#)
- Sch. 2 para. 3839 inserted by [S.I. 2021/717 reg. 2](#)
- Sch. 2 para. 42 inserted by [S.I. 2022/1038 reg. 2](#)
- Sch. 2 para. 40 inserted by [S.I. 2022/243 reg. 2\(5\)](#)
- Sch. 2 para. 41 inserted by [S.I. 2022/743 reg. 2](#)
- Sch. 2 para. 43 inserted by [S.I. 2023/405 reg. 2](#)
- reg. 7(10) inserted by [S.I. 2015/644 reg. 3\(c\)](#)